IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 24294 of 2007(P)

PETITIONER:

V.SATHYADEVAN, PRASANNA BHAVAN,
VAVARAMBALAM, POTHENCODE P.O.,
TRIVANDRUM DISTRICT.

BY ADV. SRI.M.DINESH

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY MANAGING DIRECTOR,
TRANSPORT BHAVAN, TRIVANDRUM.

2. THE CHIEF ACCOUNTS OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM.

3. SPECIAL THAHSILDAR (RR),
KERALA STATE FINANCIAL ENTERPRISES LTD.,
REGIONAL OFFICE, SILVER JUBILEE BUILDING,
STATUE, THIRUVANANTHAPURAM.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC
SRI. M.L. SAJEEVAN, SC, KSFE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 24294/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF GRATUITY PAYMENT ORDER PASSED BY THE 2ND RESPONDENT DT. 29.6.06

EXT.P2. COPY OF LETTER DT. 15.3.04 FROM 3RD RESPONDENT

EXT.P3. COPY OF THE REPRESENTATION FILED BEFORE THE 1ST RESPONDENT DT. 18.7.07 SUBMITTED BY PETITIONER

EXT.P4. COPY OF THE REPRESENTATION DT. 18.7.07 SUBMITTED BY PETITIONER BEFORE THE 3RD RESPONDENT

/TRUE COPY/

PA TO JUDGE.

V.GIRI, J.

W.P.(C). NO. 24294 OF 2007

Dated this the 19th day of October, 2007

J U D G M E N T

Petitioner, who retired as a Checking Inspector from KSRTC on 31.8.2002, is aggrieved by the fact that the DCRG due to him has not been disbursed so far. Apparently, the entire amount was sent to the 3rd respondent. Petitioner made enquiries regarding the non disbursal of the amount due to him and he learnt that the amount is adjusted against the chitty loan No. NCL 117/94, as referred to in Ext.P2. It seems that the original defaulter had paid some amount.

2. Petitioner's contention is that he had never agreed for recovery from the DCRG due to him. Therefore, the amount due to him by way of DCRG should have been disbursed to him and should not have been transmitted to the Office of the 3rd respondent for adjustment against the dues incurred by some other person.

3. The objection raised by the petitioner before respondents 1 and 3 as regards the amount due to him by way of DCRG, has not been subsequently looked into either by the 1st respondent or the 3rd respondent. Essentially, it has to be first considered by the 3rd respondent.

4. After having heard learned counsel for the petitioner and the learned Standing Counsel for respondents 1 and 3, the writ petition is disposed of with the following directions:

(i) The 3rd respondent shall hear the petitioner and take a decision on Ext.P4 with regard to the question as to whether petitioner's Gratuity amount be excluded from attachment or any coercive action under the Revenue Recovery Act. Petitioner may file an additional representation in this regard within a period of three weeks from today. Ext.P4 and the said additional representation may be looked into and appropriate decision be taken by the 3rd respondent, after hearing the petitioner, within two months thereafter.

(ii) If the petitioner's objections are upheld then the amount, which ought to have been disbursed to the petitioner by way of DCRG and which was transmitted from the office of the 1st respondent to the 3rd respondent, shall be paid to the petitioner.

(iii) If the petitioner's claim is not accepted, then a reasoned order will be passed in support of the same by the 3rd respondent. Petitioner will be at liberty to challenge the said order in an appropriate proceeding.

V.GIRI, JUDGE

vps